

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FILED
U. S. DISTRICT COURT
DISTRICT OF NEBRASKA

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OFFICE OF THE CLERK

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
VISION 20-20 INC.,)
)
Defendant.)

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INFORMATION

[42 U.S.C. § 7413(c)(1)(B)]

The United States Attorney charges:

At all times material hereto:

A. INTRODUCTION

1. At all times relevant to this Information, Vision 20-20 Inc., was a corporation in Falls City, Nebraska.

2. Vision 20-20 Inc., was involved in the demolition of the former Stephenson Motel in Falls City, Nebraska.

3. Vision 20-20 Inc., intended to and did build a new motel on the site of the Stephenson Motel.

4. The demolition of the Stephenson Motel required the abatement and removal of asbestos from the roof, ceiling and floor of the structure,

5. Vision 20-20 Inc., hired an asbestos removal company which in turn abated and removed the asbestos from the roof of the structure in October, 2008. When the company returned at a later date to begin removal of the asbestos laden floors, they found the motel had been demolished and the debris removed from the area.

6. Investigation determined that Vision 20-20 Inc., by action of one or more directors

and shareholders had completed the demolition without the asbestos contractor in order to reduce expenses.

7. The asbestos laden tiles and materials were improperly removed and disposed of improperly. The asbestos materials were deposited in two sites in Richardson County in violation of federal law.

8. After investigation by the Nebraska State Patrol, Vision 20-20 Inc., hired a contractor to properly dispose of the asbestos material from both sites. The State of Nebraska monitored the cleanup and determined that the asbestos had been properly removed and disposed from both sites.

B. THE CLEAN AIR ACT AND APPLICABLE REGULATIONS

9. The Clean Air Act was enacted by Congress to protect and enhance the quality of the nation's air resources so as to promote the public health and welfare. 42 U.S.C. §§ 7401 *et seq.*

10. The Clean Air Act identifies hazardous air pollutants, including asbestos. 42 U.S.C. 7412(b)(1).

11. In 1971, asbestos was declared to be a hazardous air pollutant by the United States Environmental Protection Agency (EPA) under the federal Clean Air Act. 42 U.S.C. §§ 7412(a)(6) and (b); 40 CFR § 61.01(a).

12. Work practice standards have been published for demolition and renovation of certain facilities containing asbestos and for the handling of asbestos-containing materials. 40 CFR §§ 61.145, 61.150.

13. These practices require that certain procedures be followed in handling asbestos and asbestos containing materials in their various forms to prevent the discharge of asbestos

particles. 40 CFR § 61.140 *et. seq.*

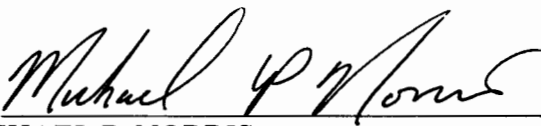
COUNT I

From on or about October 2010, and continuing until at least January 2011, in the District of Nebraska, VISION 20-20 INC., the defendant herein, did negligently release into the ambient air a hazardous air pollutant, namely asbestos, and at the time of the release the defendant negligently placed one or more persons at risk of serious bodily injury.


In violation of Title 42, United States Code, Section 7413(c)(1)(B).

UNITED STATES OF AMERICA

DEBORAH R. GILG
United States Attorney

By: 
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The United States of America requests that trial of this case be held at Omaha, Nebraska, pursuant to the rules of this Court.


MICHAEL P. NORRIS
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